

**STATEMENT OF
COMMISSIONER ROBERT M. MCDOWELL**

Re: *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, Notice of Proposed Rulemaking.

With this Notice, we launch one key initiative in the Commission's larger, ongoing quest to make the most productive use of our nation's spectrum resources. The issue of future uses within the television broadcast band is only part of our overall policy focus on spectrum issues, but it may be the most prominent one. As we go forward in this proceeding, I will remain mindful of the significant public interest benefits that broadcasters deliver. I also understand the need to ensure that any new rules allowing for more flexible uses within the TV band must leave incumbent broadcast licensees with viable opportunities to experiment with their own mix of wireless services, including but not limited to traditional broadcasting.

At the same time, I am excited about the prospects of exploring options for wireless broadband services within the frequencies currently devoted to over-the-air television. Although the Notice directs much of its attention to the concept of voluntary "channel sharing" among broadcasters, I have not reached any conclusion as to whether that approach is the best possible option for getting the most out of the TV band. I would like commenters to tell us more about the feasibility of alternatives that may be used in lieu of, or in conjunction with, channel sharing.

For example, broadcasters already are empowered under Section 336 of the Communications Act to offer a flexible range of "ancillary or supplemental" wireless services in addition to their "primary" broadcast program stream. I've been a longtime proponent of encouraging broadcasters to lease some of their spectrum for wireless broadband purposes, and now is the time to dig into this concept seriously. How would this approach work in the context of increasing the availability of wireless broadband? What are the technical issues, as well as the business feasibility issues? Would this approach be a faster means of getting more spectrum for broadband into the marketplace than the channel-sharing concept? What are the relative strengths and weaknesses of the plan for channel sharing, eventual spectrum-clearing and repacking versus the concept of allowing broadcasting and broadband uses to be interwoven throughout the existing TV band?

I also will review with great interest the submissions we receive on the topic of potential technical improvements for digital broadcasting on VHF channels. As one of the two remaining veteran commissioners of the digital television transition, I have not forgotten the difficult and unanticipated challenges that we and broadcasters on those channels faced at the time of the analog shut-off. Both industry and FCC engineers scrambled throughout the spring and summer of 2009 to try to overcome interference and other reception problems associated with VHF channels. What had been prime real estate in the days of analog broadcasting sometimes became a rough neighborhood in the new digital era. Before the Commission takes action that might lead to more broadcasters

moving back into those channels, I will want to fully understand the ramifications of such a decision.

I thank the staff members in the Office of Engineering and Technology and the Media Bureau for their work on this Notice.